

**STATE OF CALIFORNIA  
DECISION OF THE  
PUBLIC EMPLOYMENT RELATIONS BOARD**



SOUTH COAST PROFESSIONAL EMPLOYEES  
ASSOCIATION,

Charging Party,

v.

SOUTH COAST AIR QUALITY MANAGEMENT  
DISTRICT,

Respondent.

Case No. LA-CE-779-M

PERB Decision No. 2310-M

March 8, 2013

Appearances: The Myers Law Group by Adam N. Stern, Attorney, for South Coast Professional Employees Association; A. John Olvera, Principal Deputy District Counsel, for South Coast Air Quality Management District.

Before Martinez, Chair; Huguenin and Banks, Members.

DECISION

BANKS, Member: This case is before the Public Employment Relations Board (PERB or Board) on appeal by the South Coast Professional Employees Association (Association) from the dismissal of its unfair practice charge. The charge, as amended, alleges that the South Coast Air Quality Management District (District) violated the Meyers-Milias-Brown Act (MMBA)<sup>1</sup> by bargaining in bad faith.

The Office of the General Counsel dismissed the charge for failure to state a prima facie case. The Association filed a timely appeal. The District filed a timely opposition. With the filings complete, by letter dated December 6, 2012, the Appeals Assistant notified the parties that the case had been placed on the Board's docket. By letter dated February 1, 2013, the Association notified PERB that the parties had resolved all their differences and executed a new

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<sup>1</sup> The MMBA is codified at Government Code section 3500 et seq.

memorandum of understanding, and wished to withdraw the unfair practice charge in this case pending before the Board itself and two other pending charges.

The Board has discretion to grant or deny requests to withdraw and dismiss cases pending before the Board itself. (PERB Reg. 32320, subd. (a)(2) [“The Board itself may: [¶] . . . take such other action as it considers proper.”];<sup>2</sup> *State of California (Department of Personnel Administration)* (2010) PERB Decision No. 2152-S; *Grossmont-Cuyamaca Community College District* (2009) PERB Order No. Ad-380; *Oakland Unified School District* (1988) PERB Order No. Ad-171; *ABC Unified School District* (1991) PERB Decision No. 831b.)

Based on our review of the Association’s request and the entire record in this matter, the Board finds withdrawal of the unfair practice charge to be in the best interests of the parties and consistent with the purposes of the MMBA. Accordingly, the Board grants the Association’s request to withdraw the charge.

#### ORDER

The request by the South Coast Professional Employees Association to withdraw the unfair practice charge with prejudice in Case No. LA-CE-779-M is hereby GRANTED.

Chair Martinez and Member Huguenin joined in this Decision.

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<sup>2</sup> PERB Regulations can be found at California Code of Regulations, title 8, section 31001 et seq.